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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Statement of Issues
11 Against:

Case No. *2012-22*

12 **SYLVIA JAOJOCO MARTINEZ**
13 **5310 Linden Avenue**
Long Beach, CA 90805
14 **Applicant for Registered Nurse License**

STATEMENT OF ISSUES

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Statement of Issues solely
19 in her official capacity as the Executive Officer of the Board of Registered Nursing, Department
20 of Consumer Affairs.

21 2. On or about December 15, 2009, the Board of Registered Nursing, Department of
22 Consumer Affairs received an application for a Registered Nurse License from Sylvia Jaojoco
23 Martinez ("Respondent"). On or about December 15, 2009, Sylvia Jaojoco Martinez certified
24 under penalty of perjury to the truthfulness of all statements, answers, and representations in the
25 application. The Board denied the application on March 16, 2011.

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3. This Statement of Issues is brought before the Board under the authority of the

4. Section 480 of the Code states, in pertinent part, that:

“(a) A board may deny a license regulated by [the Business and Professions Code] on the

(1) Been convicted of a crime. A conviction within the meaning of this section means a plea

...

(3) (A) Done any act that if done by a licentiate of the business or profession in question,

(B) The board may deny a license pursuant to this subdivision only if the crime or act is

5. Section 2761 of the Code states, in pertinent, part that:

“The board may take disciplinary action against a certified or licensed nurse or deny an

(a) Unprofessional conduct.

(f) Conviction of any offense substantially related to the qualifications, functions, and

1 **REGULATORY PROVISIONS**

2 9. California Code of Regulations, title 16, section 1444, provides:

3 "A conviction or act shall be considered to be substantially related to the qualifications,
4 functions or duties of a registered nurse if to a substantial degree it evidences the present or
5 potential unfitness of a registered nurse to practice in a manner consistent with the public health,
6 safety, or welfare.

7 Such convictions or acts shall include but not be limited to the following:

8 (a) Assaultive or abusive conduct including, but not limited to, those violations listed in
9 subdivision (d) of Penal Code Section 11160.

10 (b) Failure to comply with any mandatory reporting requirements.

11 (c) Theft, dishonesty, fraud, or deceit.

12 (d) Any conviction or act subject to an order of registration pursuant to Section 290 of the
13 Penal Code."

14 **FIRST CAUSE FOR DENIAL**

15 **(Conviction of a Substantially Related Crime)**

16 10. Respondent's application for licensure is subject to denial pursuant to section
17 480(a)(1) of the Code, as defined by California Code of Regulations, title 16, section 1444, in that
18 Respondent was convicted of a crime substantially related to the qualifications, functions, and
19 duties of a licensed Registered Nurse, as follows:

20 11. On or about October 20, 2011, in the criminal matter entitled *People v. Sylvia Jaajoco*
21 *Martinez*, Los Angeles County Superior Court case no. BA361160, Respondent was convicted of
22 violating California Penal Code section 487, subdivision (a), grand theft, a felony and California
23 Welfare and Institutions Code section 14107, subdivision (b)(1), insurance fraud, a felony.
24 Respondent was placed on formal supervised probation for two years, was ordered to perform two
25 hundred hours of community service work, and was ordered to pay restitution to DHCS
26 Healthcare in the amount of \$2,806. The basis for the conviction is as follow:

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12. On or about September of 2008, Respondent submitted time sheets for payment on house support services that Respondent had not performed.

SECOND CAUSE FOR DENIAL

(Done Act that Would Warrant Discipline of Licensee)


13. Respondent's application for licensure is subject to denial pursuant to sections 480(a)(3) and 2761(a) and (f) of the Code, as defined by California Code of Regulations, title 16, section 1444, in that Respondent performed an act that if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of the license. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 11 and 12, as though set forth fully.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Denying the application of Sylvia Jaojoco Martinez for a Applicant for Registered Nurse License;
2. Taking such other and further action as deemed necessary and proper.

DATED: 7-12-11


LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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